



Atty. Dkt. No. 077319-0384

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph M. ELLISON et al.

Title: COMPOSITIONS AND METHODS FOR THE
TREATMENT OF PRIMARY AND METASTATIC
NEOPLASTIC DISEASES USING ARSENIC
COMPOUNDS

Appl. No.: 10/649,944

Filing Date: 08/28/2003

Examiner: Not yet assigned

Art Unit: 1614

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding European applications. A copy of each of the European Search Reports is attached setting forth the portion of each document considered relevant by the examiner. An English-language counterpart of the foreign-language documents has not been provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

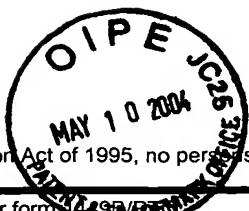
Respectfully submitted,

Date 10 May 2004

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1499A (Rev. 1-2003)		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: May 10, 2004 <i>(use as many sheets as necessary)</i>		Application Number 10/649,944 Filing Date 08/28/2003 First Named Inventor Ralph M. ELLISON Group Art Unit 1614 Examiner Name Unassigned	Attorney Docket Number 077319-0384
Sheet	1	of	2

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
		FR	2 699 820		Eric PICHOT	12/24/1992		

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
		International Search Report	
		Matthew BLOCK et al., "Biological Studies with Arsenic IV. The Histopathiologic Effect of Arsenic Upon the Hematopoietic Tissues of Patients with Leukemia", The Journal of Laboratory and Clinical Medicine, Vol. 41, No. 4, 4/1953, pp. 499-515.	
		P. ROUSSELOT et al., "Arsenic derivatives: Old drugs for new indications!, Les Derives Arsenicaux: De Vieux Medicaments Pour Des Indications Renouvelees", Hematologie, Vol. 4, no. 3, 5/1998, pp. 95-97.	
		P. ROUSSELOT et al., "Arsenic trioxide (AS2O3) and Melarsoprol induce myeloma cell apoptosis in vitro with a preferential effect on tumoral cells in patients' bone marrow", BLOOD, vol. 90, no. 10, 11/15/1997, page 325A.	
		Z. XIE et al., "Melasoprol and arsenic trioxide increase cell death on doxorubicin-resistant human leukemia and myeloma cells by regulating expression of BCL-2 apoptosis regulatory family", BLOOD, vol. 90, no. 10, 11/15/1997, pp. 495 A.	
		DATABASE EPODOC 'Online! European Patent Office, the Hague, NL., CN1180563, 5/6/1998, Zhao QINGTUAN: XP002260136 *abstract*.	
		International Search Report	
		Edward B. SILBERSTEIN, "Radionuclide Therapy of Hematologic Disorders", Seminars in Nuclear Medicine, Vol. 9, No. 2, 4/1979, pp. 100-107.	
		David A. SEARS MD, "History of the Treatment of Chronic Myelocytic Leukemia", American Journal of the Medical Sciences, Vol. 296, No. 2, 8/1988, pp. 85-86.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Enter the kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/649,944
Date Submitted: May 10, 2004 <i>(use as many sheets as necessary)</i>				Filing Date	08/28/2003
				First Named Inventor	Ralph M. ELLISON
				Group Art Unit	1614
				Examiner Name	Unassigned
Sheet	2	of	2	Attorney Docket Number	077319-0384

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
		Zhi-Xiang SHEN et al., "Use of Arsenic Trioxide (As ₂ O ₃) in the Treatment of Acute Promyelocytic Leukemia (APL); II. Clinical Efficacy and Pharmacokinetics in Relapsed Patients", Blood, Vol. 89, No. 9, 5/1997, pp. 3354-3360.	
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		John G. KIDD, "EFFECTS OF ARSENIC AZOPROTEINS ON MOUSE LYMPHOMA CELLS IN VIVO* With Observations on the Effects of Other "Anti-Lymphoma" Agents and On the Susceptibility to these Effects of Lymphoma Cells of Various Types", Journal of Experimental Medicine, vol. 108, 1958, pp. 665-684.	
		Jacques DEBRAY, "Treatment of Hodgkin's Disease", Therapie, vol. 9, 1954, pp. 106-118.	
		G. LOTTI, "Abandonment of arsenic in medical therapy of malignant granuloma (Hodgkin's disease): is it justified?!" Revue Medicale Du Moyen-Orient, vol. 24, no. 2, 3/1967 pp. 110-111.	
		International Search Report	
		S. ROSNER, "Immunological Enhancement of Chemotherapy in Advanced Brain Cancer", ACTA. NEUROL. LATINOAMER. Vol. 21, No. 4, 1975 , pp. 126-132.	
		S. SHIMOTSUURA, "STUDIES ON THE ANTOINEPLASMIC ACTIONS OF AS ₂ O ₃ " Shika Gakuho – Journal of Tokyo Dental College Society, vol. 86, no. 8, 1986, pp. 1237-1253.	
		P. ZHANG et al., "Treatment of Acute Promyelocytic Leukemia with Intravenous Arsenic Trioxide" Zhonghua Xueyexue Zazhi – Chinese Journal of Hematology, vol. 17, no. 2, 2/1996, pp. 58-60.	
		D.A. Sears, "History of the Treatment of Chronic Myelocytic Leukemia", American Journal of Medical Sciences, vol. 296, no. 2, 8/1988, pp. 85-86.	
		Y.L. KWONG et al., "Delicious Poison: Arsenic Trioxide for the Treatment of Leukemia", Blood, vol. 89, no. 9, 5/1997, pp. 3487-3488	
		Edward B. SILBERSTEIN, "Radio nuclide Therapy of Hematologic Disorders", Seminars in Nuclear Medicine, vol. 9, no. 2, 4/1979, pp. 100-107.	

Examiner Signature		Date Considered	
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